

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 1795 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

BHARATSINGH NATHUSING CHAUHAN THRO HIS WIFE HEMLATABEN

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 1795 of 2002
MS KRISHNA U MISHRA for Petitioner No. 1
PUBLIC PROSECUTOR for Respondent No. 1
-

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 26/03/2002

ORAL JUDGEMENT

Rule. Mr.K.C.Shah, learned APP waives service of
rule on behalf respondent-State.

Mr.Shah has produced the report of I.O. and relevant papers of the case, including statement of the doctor, his certificate and statements of others. P.I. has stated that if he is released on bail then there is a likelihood of breach of peace, therefore, he should not be released on bail.

It seems that P.I. has not taken into consideration the fact that as an under-trial prisoner at least on four different occasions on different grounds of sickness of his wife and mother the accused was released on temporary bail for some time and no untoward incident was reported, therefore, his apprehension seems to be incorrect.

Mr.Shah was right in submitting that this way the accused cannot be granted temporary bail time and again. But on the assurance given by learned counsel Ms.Mishra appearing for the applicant states that in case the accused is released on temporary bail for a period of one month from today then, thereafter the applicant-accused will not ask for extension on similar grounds, this application is allowed and the accused Bharatsingh Nathusingh Chauhan is ordered to be released on temporary bail till 25.4.2002 for a period of one month in connection with CR No.16 of 2001 of Bapunagar Police Station on his execution of bond of Rs.10,000/= with two sureties of like amount to the satisfaction of the lower court and subject to the following conditions :-

- (a) He shall not take undue advantage of his liberty or abuse his liberty.
- (b) He shall not act in a manner injurious to the interest of the prosecution.
- (c) He shall maintain law and order.
- (d) He shall furnish the address of his residence at the time of execution of the bond and shall not change the residence without prior permission of this court.
- (e) He shall surrender his Passport, if any, to the lower court within a week.

If breach of any of the above condition is committed, then the Sessions Judge at Ahmedabad will be free to issue warrant and take appropriate action in the matter.

Bail before the Lower court having jurisdiction to try the case.

Rule is made absolute. D.S.permitted.

(B.J.Shethna, J.)

*Pvv